

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

HILLIARD MARTINEZ
GONZALEZ, LLP,
Plaintiff,
§
§
§
§
§
§
§
§
§
§
§
v.
KIMBERLY L. BECK,
Defendant.
§
§
§
§
§
§
§
§
CIVIL ACTION NO. _____

**NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS, CORPUS CHRISTI DIVISION**

Defendant Kimberly L. Beck (“Beck” or “Defendant”) hereby files this Notice of Removal, pursuant to Federal Rules of Civil Procedure and 28 U.S.C. §§1332 and 1441 to this Court and would respectfully show as follows.

1. On November 6, 2020, an action was commenced by Plaintiff Hilliard Martinez Gonzales, LLP (“Plaintiff”) in the County Court of Law Number 1 in Nueces County, Texas, entitled *Hilliard Martinez Gonzalez, LLP v. Kimberly L. Beck* by filing Plaintiff Hilliard Martinez Gonzales, LLP’s Original Petition, Application for Ex Parte Temporary Restraining Order, Request for Injunctive Relief, and Request for Disclosure (“Petition”) in Cause Number 2020-CCV-61518-1 (the “State Court Action”). The State Court Action is currently pending in a court located within the jurisdiction of the United States District Court for the Southern District of Texas, Corpus Christi Division. Venue is proper in this federal judicial district because the Corpus Christi Division of the United States District Court for the Southern District of Texas encompasses the county where the State Court Action is pending.

2. The Petition has not been served. A copy of the Petition was electronically mailed to Chris Weber, counsel for Beck, and it was electronically mailed directly to Beck. The filings in the state court action are attached hereto.

3. This Court has original jurisdiction over this matter pursuant to 28 USC §1332, and it is one which may be removed to this Court by Defendant pursuant to provisions of 28 USC §1441.

A. This Court has Original Jurisdiction Pursuant to 28 USC §1332

4. The amount in controversy exceeds \$75,000. *See* Petition, paragraph 9, stating in part “HMG states that it currently seeks monetary relief over \$1,000,000.00 in this action (in addition to temporary and permanent injunctive relief).”

5. Plaintiff and Defendant are residents of different states. Plaintiff is a limited liability partnership. For the purposes of determining jurisdiction, a limited liability partnership is a resident of every jurisdiction where its partners are members. All partners of HMG LLP are residents of either Texas or Illinois.

6. Defendant is an individual and a resident of Ohio, as Plaintiff has acknowledged in the Petition. *See* Petition, paragraph 5.

7. Because Plaintiff is a resident of Texas and Illinois and Defendant is a resident of Ohio, complete diversity exists, both when the suit was commenced and at the time of removal.

B. All the Procedural Requirements of Removal Have Been Met

8. This Notice of Removal of a civil action was filed within 30 days after receipt of the petition by Defendant.

9. The case stated by the initial pleading is removable.

10. This Court is the Federal District and Division that encompasses the state court where the action was initially filed.

11. Written notice of the filing of this notice has been given to adverse parties and the state court as required by law.

12. Pursuant to Local Rule 81 of the Local Rules of the United States District Court for the Southern District of Texas, attached hereto as Exhibits A through F are the following:

- Exhibit A Index of Items Being Filed
- Exhibit B Docket Sheet
- Exhibit C Plaintiff Hilliard Martinez Gonzales, LLP's Original Petition, Application for Ex Parte Temporary Restraining Order, Request for Injunctive Relief, and Request for Disclosure
- Exhibit D Temporary Restraining Order (proposed)
- Exhibit E Temporary Restraining Order (signed)
- Exhibit F List of all counsel of record, including addresses, telephone numbers and parties represented.

13. To the extent this Court may require or request certified copies of any of the above, Defendant will supplement with such certified copies as soon as possible.

14. At this time, there is no executed process in the case, and there are no other pleadings, orders, or filings of any kind to Defendant's knowledge or listed on the docket sheet of the County Court at Law No. 1 other than those included here.

FOR THESE REASONS Defendant Kimberly L. Beck provides notice of removal, and requests that this action be removed from the County Court at Law No. 1 of Nueces County, to the United States District Court for the Southern District of Texas, Corpus Christi Division.

Respectfully submitted,

McGINNIS LOCHRIDGE LLP
600 Congress Avenue, Suite 2100
Austin, Texas 78701
512.495.6000 (telephone)
512.495.6093 (telecopier)
mshaunessy@mcginnislaw.com
alucas@mcginnislaw.com

By: /s/ Michael Shaunessy
MICHAEL SHAUNESSY
Federal Bar No. 14377
Texas State Bar No. 18134550
APRIL LUCAS
Federal Bar No. 659410
Texas State Bar No. 24046323

Attorneys for Defendant Kimberly L. Beck

CERTIFICATE OF SERVICE

I hereby certify that, on the 9th day of November, 2020, I electronically filed with the Clerk of Court the foregoing document using the CM/ECF system and that I also served the following parties, via electronic mail:

ROBERT C. HILLIARD
bobh@hmglawfirm.com
CATHERINE TOBIN HILLIARD
catherine@hmglawfirm.com
JOHN B. MARTINEZ
john@hmglawfirm.com
MARION M. REILLY
marion@hmglawfirm.com
HILLIARD MARTINEZ GONZALEZ LLP
719 South Shoreline Boulevard
Corpus Christi, Texas 78401
361.882.1612 (telephone)
361.882.3015 (telecopier)
Attorneys for Plaintiff Hilliard Martinez Gonzalez, LLP

MICHAEL E. RICHARDSON
mrichardson@beckredden.com
ALLISON STANDISH MILLER
amiller@beckredden.com
MARTY GATENS
mgatens@beckredden.com
BECK REDDEN LLP
1221 McKinney Street, Suite 4500
Houston, Texas 24120844
713.951.3700 (telephone)
713.951.3720 (telecopier)
Attorneys for Plaintiff Hilliard Martinez Gonzalez, LLP

/s/ Michael Shaunessy

MICHAEL SHAUNESSY